

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

DONALD JOE BARBER, )  
                          )  
Plaintiff,            )  
                          )  
v.                     ) Case No. 5:15-cv-01664-LSC-SGC  
                          )  
ADAM UNKNOWN, WARDEN )  
POTTER, and DEPUTY CAMPBELL, )  
                          )  
Defendants.           )

**MEMORANDUM OPINION**

The magistrate judge filed a report on February 3, 2017, recommending the defendants' motions for summary judgment be treated as motions to dismiss pursuant to 42 U.S.C. § 1997e(a) for failure to exhaust administrative remedies and that the same be granted. (Doc. 56). Although the parties were advised of their right to file specific written objections within fourteen days, no objections have been received by the court.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the magistrate judge's report is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the court **ORDERS** that the defendants' motions for summary judgment be construed as motions to dismiss pursuant to 42 U.S.C. § 1997e(a) for failure to exhaust

administrative remedies and the same be **GRANTED** and the claims be  
**DISMISSED WITH PREJUDICE.**

A final judgment will be entered separately.

**DONE AND ORDERED ON MARCH 2, 2017.**

  
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L. SCOTT COOGLER  
UNITED STATES DISTRICT JUDGE  
160704